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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

OLIVIA Y., ET AL

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the  
State of Mississippi, et al.

DEFENDANTS

VIDEOTAPED DEPOSITION OF DONALD TAYLOR

Taken at the law offices of  
Bradley, Arant, Rose & White, LLP,  
188 East Capital Street  
Jackson, Mississippi, on  
Friday, April 6, 2006,  
beginning at 8:38 a.m.

REPORTED BY:

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**EXHIBIT**

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1 we can take a break altogether --  
 2 A. Break?  
 3 Q. -- if you would --  
 4 A. I don't eat breakfast.  
 5 Q. Well, it's almost twelve o'clock, so  
 6 this would be a --  
 7 MR. THOMPSON:  
 8 It's going to be a good time for a  
 9 lunch break.  
 10 MS. LOWERY:  
 11 Q. -- good time to break for lunch.  
 12 A. On you?  
 13 THE VIDEOGRAPHER:  
 14 We're now going off the record. The  
 15 time is approximately 11:59 a.m.  
 16 (A lunch break was taken.)  
 17 THE VIDEOGRAPHER:  
 18 We're now back on the record. The  
 19 time is approximately 12:47 p.m.  
 20 MS. LOWERY:  
 21 Thank you.  
 22 MS. LOWERY:  
 23 Q. Good afternoon, Mr. Taylor. We were  
 24 going through a list of findings that I  
 25 represented to you that were contained in one of

1 percentage or how often or what is the average,  
 2 no, I don't know that.  
 3 Q. Okay. And have you ever asked for  
 4 that information?  
 5 A. I don't know that I have asked for  
 6 that information. It may be part of that  
 7 performance objective that we get, but I'm not  
 8 sure.  
 9 Q. All right. The next thing I want to  
 10 ask you about is the statement that DFCS does  
 11 not regularly monitor foster children in their  
 12 placement.  
 13 A. I would disagree with that, because I  
 14 think the operate word there is regularly. If I  
 15 may, do I believe that there are instances where  
 16 those children are not monitored -- foster  
 17 children --  
 18 Q. Yes.  
 19 A. -- as required? Yes. I do believe  
 20 that there are instances where they are not  
 21 monitored on a monthly or a 30-day basis.  
 22 Q. Okay.  
 23 A. But regularly, I can't speak to that.  
 24 Q. Okay. And have you seen any data that  
 25 enables you to determine how frequently children

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1 plaintiffs' expert reports, and I was asking you  
 2 the degree to which those findings were  
 3 consistent with your knowledge and the degree to  
 4 which you had any basis to disagree with them.  
 5 We were in the middle of the list when we broke.  
 6 The next finding that we have is that DFCS  
 7 subjects foster children to multiple moves. Is  
 8 that consistent with your knowledge?  
 9 A. Well, before I begin to try to answer  
 10 that, let me say, you know, these statements  
 11 that you are presenting, of course, are general  
 12 in nature, and of those that we agree with, I am  
 13 agreeing with the general statement and not  
 14 necessarily the background material that  
 15 produced that statement, because I agree with it  
 16 may being that I'm looking at something entirely  
 17 different from your expert, and I wanted to make  
 18 that a matter of record.  
 19 Now, do we subject foster children to  
 20 multiple moves?  
 21 Q. Uh-huh. (Affirmative.)  
 22 A. Was that your question?  
 23 Q. Uh-huh. (Affirmative.)  
 24 A. Speculation on my part, I guess, in  
 25 some instances, we do. Do I know what is a

1 in foster care receive either a monthly or  
 2 30-day visit from workers?  
 3 A. You know, come to think of it, I do  
 4 believe that that's one of those performance  
 5 objectives that we started getting, but I  
 6 couldn't tell you that with any degree of  
 7 certainty.  
 8 Q. Okay. And you don't recall what it  
 9 might have shown?  
 10 A. I believe that that is part of that  
 11 monthly report that I get from the Division of  
 12 Family & Children's Services. I'm trying to  
 13 recall. I can't testify with any degree of  
 14 certainty, but I believe it's broken down by  
 15 region, and I believe that there have -- there's  
 16 been established for them a benchmark, if you  
 17 will, and I believe that report indicates how  
 18 well they are or are not meeting that benchmark.  
 19 Q. Do you recall what it shows with  
 20 regard to how well they are or are not meeting  
 21 the benchmark?  
 22 A. No. I -- I -- I don't -- I don't  
 23 remember what it said overall or by region.  
 24 Q. Okay. And are you aware of concerns  
 25 expressed that DFCS is using noncaseworkers,

41 (Pages 158 to 161)

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1 year, you will be submitting a budget request  
 2 for the additional 1.2 million for the 16  
 3 additional MACWIS PINs?  
 4 MS. RACHAL:  
 5 Objection to form.  
 6 THE WITNESS:  
 7 A. No, that's not my testimony. My  
 8 testimony is, given the opportunity to begin  
 9 drawing down funds which we should have drawn  
 10 down to begin with, I can't say with any degree  
 11 of certainty that that will not afford us the  
 12 opportunity to do some of these things without  
 13 asking for that money. My testimony is that at  
 14 the appropriate time, we are going to look at  
 15 this as well as across the board.  
 16 Q. My questions --  
 17 A. Am I suggesting -- is that our top  
 18 priority? No, it's not our top priority, and  
 19 I'll tell you why. The reason it's not our top  
 20 priority is because the contractual people are  
 21 doing this at the moment. And my top priority  
 22 is to provide adequate protection services.  
 23 Q. Are you aware of the number of  
 24 contractual personnel that are now dealing with  
 25 MACWIS?

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1 A. I believe when I brought in a new MIS  
 2 director, there were, perhaps, eight to ten  
 3 contractual people down there. That -- I  
 4 believe that's accurate. I also believe that  
 5 based on the assessment of the MIS director,  
 6 some of them were sent home. Again, the  
 7 cheapest one was \$80 an hour, and I could tell  
 8 you with every degree of certainty, if I made  
 9 \$80 an hour, that system wouldn't be operational  
 10 when Jesus comes again.  
 11 Q. Do you know -- if I told you that  
 12 there were currently six contractual personnel  
 13 in MACWIS, would that comport with your  
 14 understanding?  
 15 MS. RACHAL:  
 16 Objection to form.  
 17 THE WITNESS:  
 18 A. You asked me how many -- do I know  
 19 know how many people are down there? No, I do  
 20 not know how many people are down there.  
 21 MS. LOWERY:  
 22 Q. Okay. Well, so we're not talking  
 23 about one-to-one substitution, where if it's  
 24 six, or you said maybe eight to ten, sixteen is  
 25 more than eight or ten or six, so -- and

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1 Mr. Felder has recommended that you need sixteen  
 2 at a cost of 1.2 million. Are you prepared to  
 3 make a commitment either through seeking  
 4 additional legislative authorization or through  
 5 the utilization of more IV-E money that may come  
 6 in to, in fact, fund an additional sixteen  
 7 additional MACWIS PINs?  
 8 MS. RACHAL:  
 9 Objection to form.  
 10 THE WITNESS:  
 11 A. I am prepared to say that at the  
 12 appropriate time, we will look at that, and if  
 13 in my opinion it will serve us more efficiently  
 14 commensurate with being good stewards of  
 15 taxpayer dollars, certainly we will try to do  
 16 that. If it's not efficient, and if I don't  
 17 think it's going to work to good effect, no, I'm  
 18 not going to (indistinct).  
 19 Q. So with regard to this plan that  
 20 Mr. Felder has submitted with regard to this  
 21 specific recommendation for 1.2 million, is it  
 22 the case that you have at this point an opinion  
 23 about whether or not you're gonna support this  
 24 recommendation?  
 25 MS. RACHAL:

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1 Objection to form.  
 2 THE WITNESS:  
 3 A. I think I've -- I think I've answered  
 4 your question, but my position is, at the  
 5 moment, wait and see. And we are going to take  
 6 what I believe to be in the best interest of  
 7 that division and the department at that time.  
 8 MS. LOWERY:  
 9 Q. Well, and what time is that?  
 10 A. It's when we begin to look at the next  
 11 budget process.  
 12 Q. And if we're talking about the next  
 13 budget process, that would be for the summer --  
 14 that would be for the fiscal year beginning the  
 15 summer of '07; is that right?  
 16 A. Probably. You asked me about the  
 17 process. Permit me to tell you about my  
 18 process. My process in this instance is like my  
 19 process in most instances, where we will go  
 20 through a five-step problem solving model. And  
 21 the first step in the problem solving model is  
 22 to identify the problem. The second step in  
 23 that process is to gather information. The  
 24 third step in that process is to determine what  
 25 are your alternatives. The fourth step in that